

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1986**, requested by J.D. Burt of Design Associates, on behalf of TJK Investments, Inc., for a parking lot in the R-4 Residential zoning district, on property generally located at 28th & Vine Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/18/02
Administrative Action: 09/18/02

STAFF RECOMMENDATION: Conditional approval.

RECOMMENDATION: Conditional approval (5-4: Duvall, Krieser, Bills-Strand, Taylor and Schwinn voting 'yes'; Steward, Larson, Carlson and Newman voting 'no').

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.5-7, concluding that the proposed parking lot in a residential area, if revised to meet parking lot screening and landscaping design standards, will meet the requirements of the zoning code, the proposed North 27th Street Redevelopment Plan and the North 27th Street Corridor Plan.
2. The applicant's testimony is found on p.9-10.
3. There was no testimony in opposition; however, the record consists of an email in opposition from the Hartley Neighborhood Association because they believe the property could be developed as residential sometime in the future, and a commercial parking lot will encroach on the residential use of the neighborhood. (See p.22).
4. On September 18, 2002, the Planning Commission voted 5-4 to agree with the staff recommendation of conditional approval (Steward, Larson, Carlson and Newman dissenting). See Minutes, p.10.
5. On September 23, 2002, at the request of the Hartley Neighborhood Association, the City Council delayed introduction of this special permit and asked that the applicant meet with the Neighborhood Association. That meeting occurred on October 17, 2002. It is the understanding of the Planning Department that the Hartley Neighborhood Association will support this special permit application upon condition that the proposed lighting is brought back to the Neighborhood Association for approval prior to installation; however, nothing has been submitted in writing to the Planning Department as of this date. The site plan on p.16 was presented to the Neighborhood Association.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 28, 2002

REVIEWED BY: _____

DATE: September 28, 2002

REFERENCE NUMBER: FS\CC\2002\SP.1986

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1986

DATE: September 6, 2002

PROPOSAL: J.D. Burt, on behalf of TJK Investments, Inc, has requested a special permit for a parking lot in the R-4 residential zoning district.

LAND AREA: 0.36 acres, more or less

CONCLUSION: The proposed parking lot in a residential area, if revised to meet parking lot, screening and landscaping design standards, will meet the requirements of the zoning code, the proposed North 27th Street Redevelopment Plan and the North 27th Street Corridor Plan.

<u>RECOMMENDATION:</u>

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Block 2, Houtz & Baldwins Subdivision, except for the west 4 feet and except for triangle in northeast corner and Lot 2, Block 2, Houtz & Baldwins Subdivision, except for tract on west, located in the west ½ of the NW 1/4 of the SW 1/4 of Section 19, Township 10 north, Range 7 east of the 6th P.M., Lincoln, Lancaster County, Nebraska.

LOCATION: 28th & Vine Street

APPLICANT: TJK Investments, Inc
740 N. 27th Street
Lincoln, NE 68503
(402) 475-2453

OWNER: Same as above

CONTACT: J.D. Burt
Design Associates
1609 N Street
Lincoln, NE 68508

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Illegal gravel parking lot constructed without special permit or building permit on Lot 1 and an older residential dwelling on Lot 2.

ASSOCIATED APPLICATIONS: None

SURROUNDING LAND USE AND ZONING:

North:	B-3 & R-4	Vacant and residential
South:	R-4	Residential
East:	R-4	Residential
West:	B-3	Commercial

HISTORY:

March, 1998 The North 27th Street Redevelopment Plan was found in conformance with the Comprehensive Plan by the City Council.

June, 1997 The North 27th Street Corridor Plan was incorporated as an approved subarea plan of the Comprehensive Plan.

1979 Zoning Update This lot was converted from B, Two Family Dwelling District to R-4 Residential District.

Date Unknown A portion of Lot 1 was converted to a gravel parking without a special permit or building permit.

COMPREHENSIVE PLAN SPECIFICATIONS:

Guiding Principles From the Comprehensive Plan Vision

“The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln’s great strengths and their conservation is fundamental to this plan. The health of Lincoln’s varied neighborhoods and districts depends on implementing appropriate and individualized policies.” (page F 15)

Guiding Principles For the Urban Environment

Land Use Plan designates this area as Urban Residential. (page F 25)

General Principles For All Commercial & Industrial Uses

“New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.” (page F 41)

Guiding Principles For Existing Commercial Centers

“Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented.

Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.” (page F 49)

“Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.” (page F 49)

“The priority in older areas should be on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as shared parking, additional on-street parking or the removal of older commercial stores should be explored.” (page F 49)

Guiding Principles For Existing Neighborhoods

“Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods. Maintain and enhance infrastructure and services in existing neighborhoods.” (page F 68)

“1. Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.” (page F69)

“3. Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).” (page F 69)

Subarea Plan Specifications: The North 27th Street Corridor Plan

“**Concept Plan: R to Vine** - - Development of new or expansion of existing commercial facilities into deteriorated sites between T and Vine Streets on the east side. This development may provide an opportunity to provide additional landscaping. Parking for 27th Street commercial development may be provided to the east by removing deteriorated houses. Adequate buffering of this lot, which may also serve residences, must be provided.” (page 52)

UTILITIES: Available

TOPOGRAPHY: Flat

TRAFFIC ANALYSIS: The Existing and Future Street and Road Network Functional Classification of North 28th Street at this site is a Local Street. This application will not adversely affect traffic.

REGIONAL ISSUES: Buffering neighborhoods from commercial uses

ENVIRONMENTAL CONCERNS: None

AESTHETIC CONSIDERATIONS: The request for a parking lot in a residential district which is commercial in nature and does not coincide with the adjacent residential aesthetics. A portion of Lot 1 is an existing gravel parking lot, this special permit will ensure that the parking lot will meet Design Standards.

ALTERNATIVE USES: Uses permitted by the R-4 Zoning District.

ANALYSIS:

The applicant has requested a special permit for a parking lot in a residential district. The existing parking lot is gravel, and does not meet Design Standards. An existing older residential dwelling will be demolished. The existing parking lot did not receive a special permit or building permit. This special permit would ensure that the parking lot meets Design Standards.

1. Parking is allowed in the R-4 Residential zoning district by special permit under the provisions of §27.63.170:

27.63.170 Permitted Special Use: Parking Lots.

(a) Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and under one of the following conditions:

1. A. The premises upon which the parking lot is located shall not be located more than 300 feet from the boundary of one of the following districts: O-1, B-1, B-3, B-4, H-2, H-3, or I-1 and the following conditions shall be met:

The proposed parking lot is adjacent to a B-3 District located directly west of the site.

- (i) The parking lot shall not use a local residential street for access, unless access cannot be gained to the proposed parking lot from a non-residential street. If access is proposed from a local residential street, such access must be gained at a location that does not negatively impact adjacent residential zoned property.

The proposed parking lot would have access via a concrete alley, with no access to 28th Street.

- (ii) Any adjacent alley serving the parking lot shall be paved.

The alley adjacent to the parking lot to the west is paved (concrete).

- (iii) Any lighting facility shall be orientated to eliminate light trespass on adjacent residentially zoned properties in accordance with adopted design standards.

The Site Plan states: "8. parking lot lighting is optional. If installed, lighting shall be install per City of Lincoln standards."

B. In addition to the above conditions, the City Council, in passing upon applications for special permits under subparagraph (1), shall also consider the following criteria:

(i) There shall be no residential use located between the parking lot and the commercial or industrial establishment.

There are none.

(ii) The parking lot shall not disrupt the continuity of the block face, and the character of the existing residential neighborhood shall be preserved.

The parking lot changes the continuity of the block face.

(iii) The parking lot shall be allowed only if it can function as a transitional use while protecting the adjacent residential use.

With adequate landscaping and setbacks the proposed parking lot could provide a transition.

(iv) The parking lot shall abut a commercial or industrial zoning district.

The proposed parking lot abuts a B-3 District (Commercial).

2. L.E.S Comments:

(a) Show utility easements.

(b) The pole relocation is not possible at this time as it serves the adjacent buildings.

3. Public Works Comments: Require off-street parking for existing residence in Phase 1 site plan.

4. Parks and Recreation Comments:

(a) Landscape plan needs to meet the City's requirements for screening of parking lots as outlined in the Design Standards for the City of Lincoln.

(b) Street trees are not required along Vine Street because of inadequate space in the right-of-way for planting.

5. Urban Development Comments: The Urban Development Department is a strong advocate for neighborhoods, particularly older neighborhoods. We are especially concerned about protecting them from encroachment by conflicting land uses, notably commercial and industrial uses. However, the need to protect neighborhoods must be balanced with providing benefits to them, including promoting developments that increase safety and security, provide services, and improve the overall living environment. In the case of TJK Investments' request for a special permit to construct a paved parking lot at 28th and Vine, we believe this project will be a benefit to the neighborhood and therefore, are in support of their application.

In addition to improving the neighborhood, this project is consistent with several guiding principles in The North 27th Street Redevelopment Plan. This Plan was developed in partnership with surrounding neighborhoods and business owners along North 27th Street. It is based on a previous study, The North 27th Street Corridor Plan, which was approved as an amendment to the Comprehensive Plan.

6. The Phasing Plan must be revised to eliminate all parking that is not accessory to the dwelling on Lot 2 or a subdivision is approved that shows the parking on the same lot as the parking on existing Lot 1.
7. Parking Lot Screening must be revised to eliminate the use of setback reduction from the property line. Additional screening, including a variety of plant materials is required on each side of the parking lot to reduce the impact on the surrounding residential neighborhood. Specifically, additional screening is necessary east of the parking lot aisle.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda.

1.1 Revise the site plan to show the following:

- 1.1.1 The Phase I site plan provides two off-street parking spaces for existing residential dwelling on Lot 2.
- 1.1.2 Utility easements identified as required by the September 4, 2002 L.E.S report. A copy is available for review at the Planning Department.
- 1.1.3 The pole is relocated to the satisfaction of L.E.S.
- 1.1.4 Existing trees that are to remain, are identified by common name and size.
- 1.1.5 Parking Lot Screening is to meet minimum Design Standards without applying setback reduction standards.
- 1.1.6. Remove the non accessory parking on Lot 2 or subdivide the two lots so that the non accessory parking is on a separate lot from the dwelling.
- 1.1.7. Note 8 shall state: The parking lot shall be lighted to City of Lincoln Design Standards.
- 1.1.8. Legal Description to the satisfaction of the Planning Department.

2. This approval permits a 2 phase parking lot in the R-4 zoning district.

General:

3. Before receiving building permits:

- 3.1 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the parking lot all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Duncan L. Ross, AICP
Planner

SPECIAL PERMIT NO. 1986

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 18, 2002

Members present: Steward, Duvall, Krieser, Bills-Strand, Larson, Taylor, Carlson, Newman and Schwinn.

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda and had separate public hearing.

Duncan Ross of Planning staff submitted a letter in opposition from the Hartley Neighborhood Association.

Proponents

1. J.D. Burt of Design Associates, 1609 N Street, presented the application, the purpose of which is limited to a special permit for a parking lot on a vacant lot at the southwest corner of 28th and Vine Street. The property is owned by TJK Investments (Cycle Works and Moose's Tooth). They have a real interest in the redevelopment of No. 27th Street. They are completing a project at 27th & "S" along the west side of the street and are showing a real dedication to the neighborhood. This will repave a portion of a vacant lot with the termination of the lease for the existing property at some point in the future. The tenants of the residence wish to stay and the applicant wants to retain the residence for them but wants approval to construct a parking lot over the entire area at some point in the future.

Burt agreed with the staff report analysis and conditions of approval. The purpose of this parking lot is to provide additional parking for the existing businesses. This particular zoning district requires 1 parking stall per 600 sq. ft. versus 1 per 300 sq. ft. and 1 per 200 sq. ft. in other districts. At this location, there is a need to provide additional parking for customers to avoid parking on the adjacent streets. This special permit would add 4 stalls in phase one, and a total of 11 stalls at some point in the future.

With regard to the letter from the Hartley Neighborhood Association, Burt stated that the applicant is a good neighbor and committed to the area. This applicant should not be judged by one of the neighbors that chooses to have cars parked all over and maintains an unsightly lot.

Carlson inquired whether the applicant met with the neighborhood association. Burt did not. He knows that the applicant did make several attempts to contact the neighbors down the alley. This particular lot is already vacant and this is an attempt to comply with city ordinances that require a permit to park there. It is currently gravel and people are using it for parking.

Steward wondered whether the applicant investigated other parking south on 27th Street. Burt is not sure that this applicant owns any property to the south.

2. Chris Sonderup, owner of the property, indicated that there is no additional parking along there. They currently utilize the small spots that are available and they are currently one spot in excess of the limit. There are one or two vacant lots further to the south that he is looking at for down the road, but at this point there are no other additional spots.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

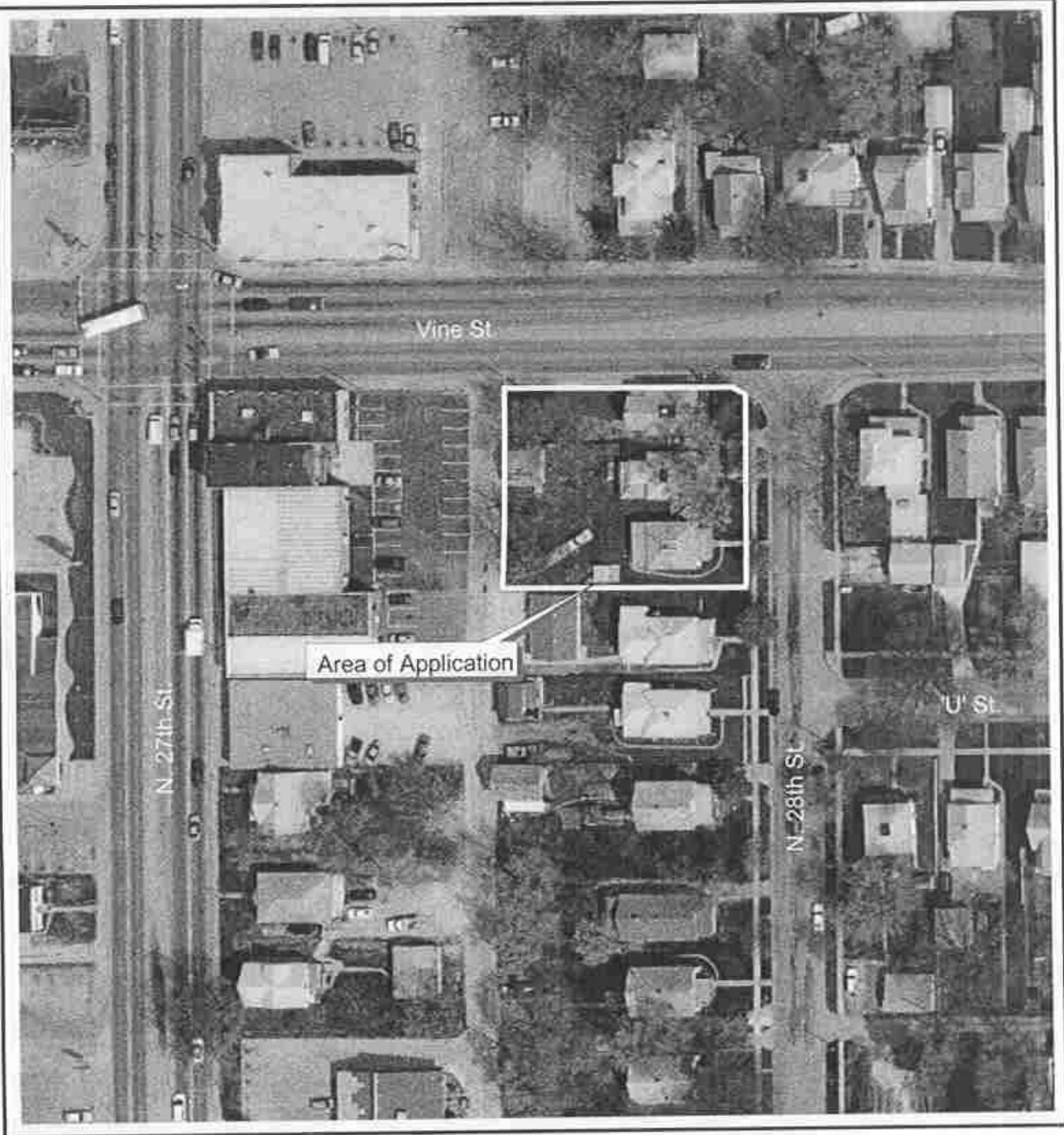
September 18, 2002

Bills-Strand moved to approve the staff recommendation of conditional approval, seconded by Duvall.

Newman believes this decision is difficult. She will vote with the neighborhood association, although she is not sure there is a solution. It would have been nice if the applicant would have met with the neighborhood association ahead of time.

Steward will vote in opposition. 28th Street is an entrance to a residential area. There are houses immediately behind this property that front on Vine Street that are residential, so the commercial in this particular intersection is strictly the frontage on 27th Street. There are properties (as the owner mentioned) further south and he would encourage sticking to the commercial aspect of 27th Street.

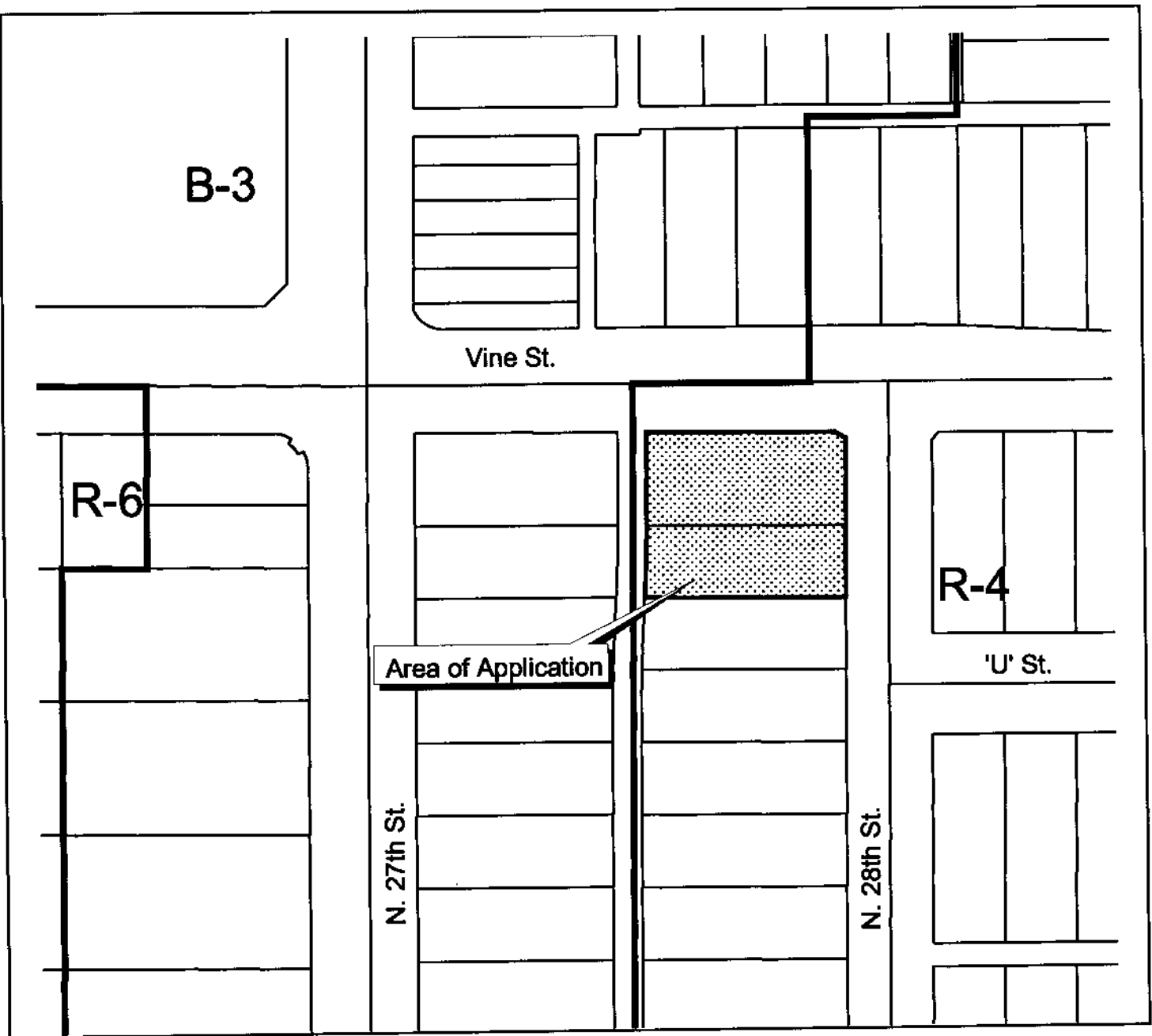
Motion for conditional approval carried 5-4: Duvall, Krieser, Bills-Strand, Taylor and Schwinn voting 'yes'; Steward, Larson, Carlson and Newman voting 'no'.



Special Permit #1986
N. 27th St. & Vine St.



011

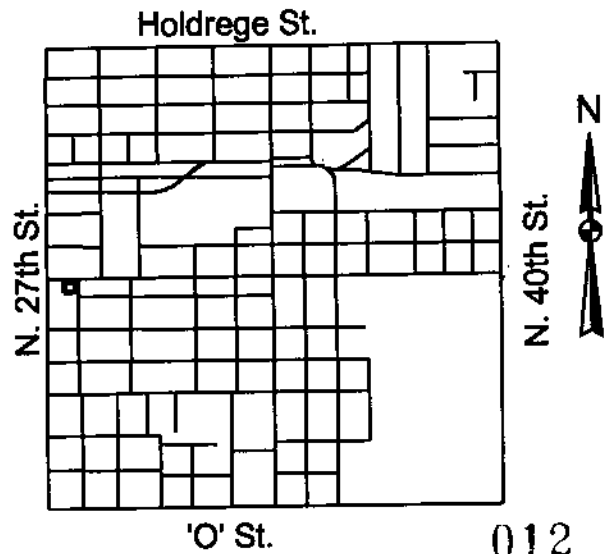
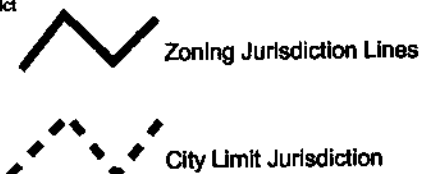


Special Permit #1986 N. 27th St. & Vine St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 19 T10N R7E



PREPARED:

DESIGN ASSOCIATES
1604 N STREET
LINCOLN, NE. 68508
PHONE: 474-3000

OWNER & DEVELOPER:

TJC INVESTMENTS, INC.
105 5th AVE S1
LINCOLN, NE 68532

ZONING:

EXISTING: R-4
PROPOSED: R-4

LEGAL DESCRIPTION:

LOT 1, BLOCK 2, HOUTZ & BALDWIN SUB. EXCEPT FOR THE WEST 4 FEET AND EXCEPT FOR TRIANGLE IN NORTHEAST CORNER AND
LOT 2, BLOCK 2, HOUTZ & BALDWIN SUB. EXCEPT FOR TRACT ON WEST

LOCATED IN THE WEST 1/2 OF THE NW 1/4 OF THE
SW 1/4 OF SECTION 19, T10N, R1E LANCASTER
COUNTY, LINCOLN, NEBRASKA

GENERAL SITE NOTES

1. ALL CURVILINEAR DIMENSIONS ARE CHORD DISTANCES UNLESS NOTED.
2. LOT DIMENSIONS SHOWN ARE BASED ON CITY PLAT MAP.
3. ADA ACCESSIBLE STALLS ARE PROVIDED ON EXISTING PARKING LOT TO MEET.
4. PAVING TO BE ASPHALT OR CONCRETE IN COMPLIANCE WITH PARKING LOT DESIGN STANDARDS.
5. UTILITY POLE AND GUY WIRE TO BE RELOCATED PER L.E.S. REQUIREMENTS.
6. PARKING LOT WILL HAVE APPROVED BARRIER DEVICES.
7. CONSTRUCTION AND IMPLEMENTATION TO BE AS SHOWN IN PHASES 1 AND 11.
8. PARKING LOT LIGHTING SHALL BE INSTALLED PER CITY OF LINCOLN STANDARDS.
9. AS PART OF PHASE 11.

PARKING STALLS

TYPICAL STALL 8.5'x15.5'
4 STALLS, PROPOSED

CITY COUNCIL APPROVAL:

THE FOREGOING SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY COUNCIL ON THIS DAY OF 2003

August City of Erie

LANDSCAPE SCHEDULE

MARK	QTY	COMMON NAME BOTANICAL NAME	PLANTING SIZE	PLANTING METHOD	DESIGN SPREAD	DESIGN HEIGHT	SCREENING AREA (SF)
JP	4	JUNIPER PETER JUNIPERUS CHINENSIS PETERIANA	18" - 24"	BUB OR CONT	6'	5'	12

NOTE:
1. AT LEAST 50% OF SCREENINGS MUST COME FROM CONIFEROUS TREES, OR TREES THAT DO NOT LOSE THEIR LEAVES
2. CANNOT HAVE SUBSTITUTE SPECIES OF EQUAL OR GREATER SIZE

EXISTING TREE LEGEND:

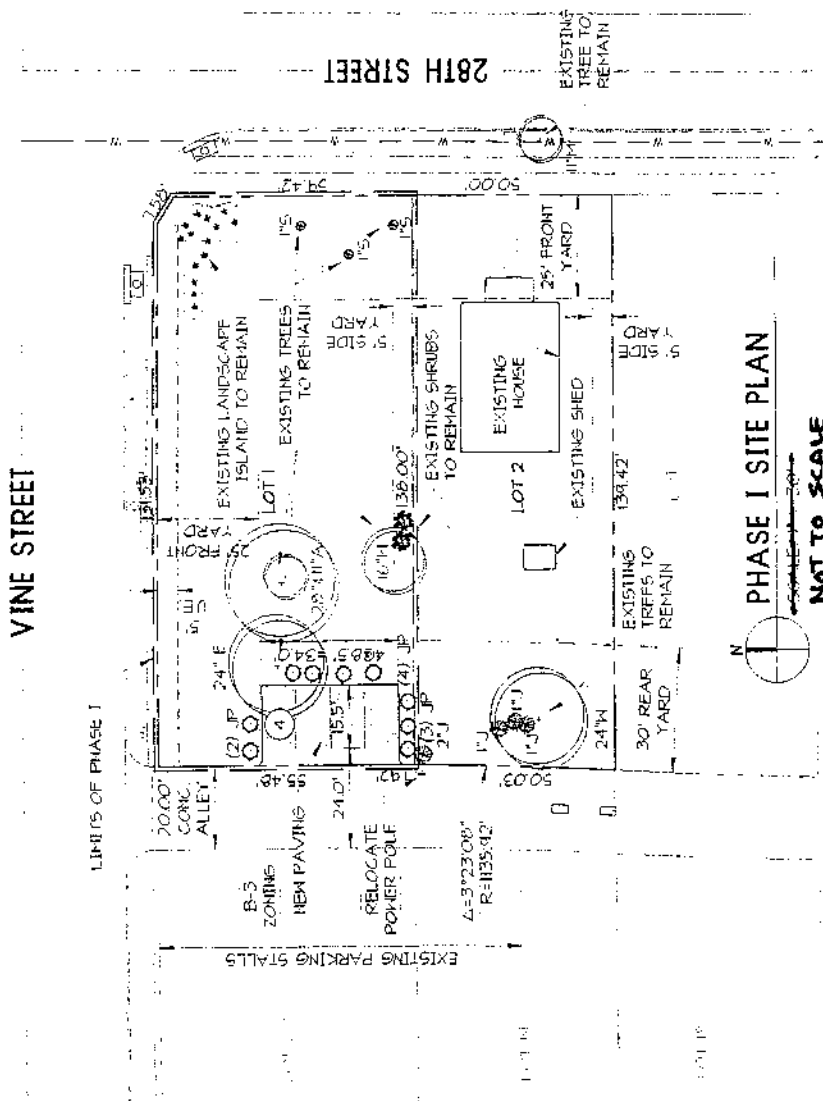
- A - ASH
E - ELM
J - JUNIPER
M - MAPLE
S - SPRUCE
W - WHITE

PARKING LOT SCREENING

SIDE	REQUIRED					PROVIDED				
	DISTANCE (L.F.)	REQUIRED SCREENING	VERTICAL PLANT (S.F.)	REQUIRED AREA (S.F.)	DISTANCE FROM LOT LINE (L.F.)	AREA REDUCTION FROM DISTANCE	REQUIRED AREA (S.F.)	PLANT QUANTITY	PLANT AREA (S.F.)	PROVIDED AREA (S.F.)
NORTH	15	808	2	19	25	08	19	(2) P	12	24
SOUTH	15	908	2	20	4	08	20	(10) P	12	36
EAST	34	608	2	41	122	08	41	(4) P	12	48
WEST		608	2						12	

PHASE I SITE PLAN

NOT TO SCALE



015

016

28TH STREET

EXISTING TREE TO REMAIN

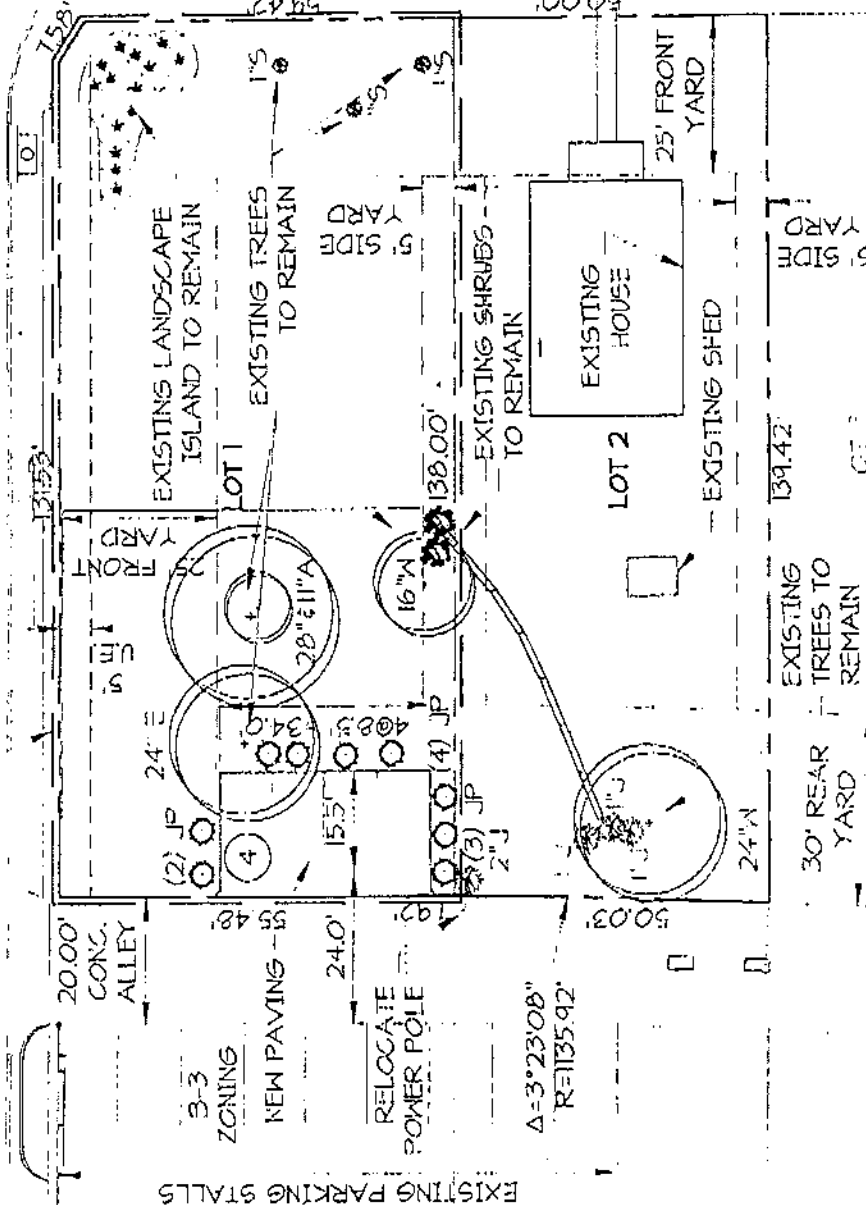
OCT 18 2002

EXISTING TREE LEGEND

A - ASH
E - ELM

VINE STREET

LIMITS OF PHASE I



PHASE I SITE PLAN

SCALE: 1" = 20'

PARKING LOT SCREENING

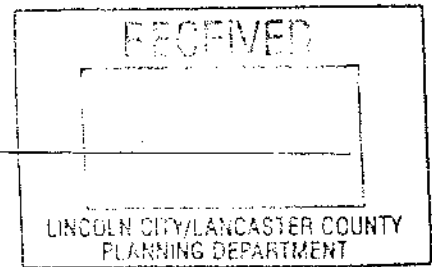
REQUIRED

PROVIDED

EXISTING TREE LEGEND

A - ASH
E - ELM

M e m o r a n d u m



To: Duncan Ross, Planning Department

From: ^{BB} Bruce Briney, Public Works and Utilities

Subject: Special Permit 1986, 28th and Vine Street Intersection
Construct a Paved Parking Lot

Date: August 27, 2002

cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Application for Special Permit #1986 for TJK Investments to construct a paved parking lot on the southwest corner of the intersection of 28th Street and Vine Street and has the following comment:

- Show off-street parking for existing residence.



INTER-DEPARTMENT COMMUNICATION

DATE September 4, 2002

TO Duncan Ross, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT SPECIAL PERMIT #1986
DN #7N-27E

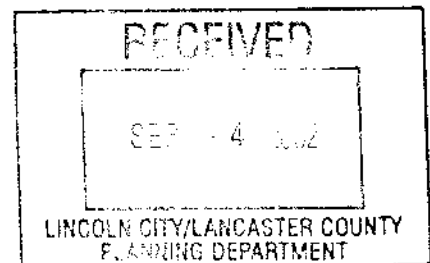
Attached is the Special Permit request by TJK Investments, Inc., to construct a paved parking lot in the southwest corner of 28th & Vine St.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

Please note, the pole relocation is not possible at this time as it serves the adjacent buildings.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICEFO/DEDEAS.Fm



Memo

To: Duncan Ross, Planning Department

From: Mark Canney, Parks & Recreation

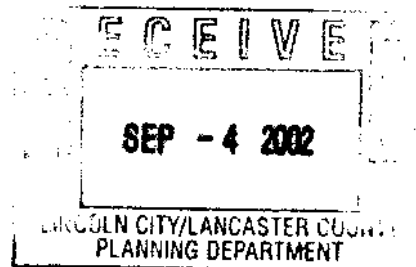
Date: September 4, 2002

Re: TJK Investments, Inc. SP 1986

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Landscape plan needs to meet the City's requirements for screening of parking lots as outlined in the Design Standards for the City of Lincoln.
2. Street trees are not required along Vine street because of inadequate room available in the public right-of-way for planting.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



MEMO

RECEIVED

SEP - 5 2002

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

To: Duncan Ross, Lincoln/Lancaster County Planning Department
From: Wynn Hjermstad, Urban Development
Date: September 5, 2002
Subject: Special Permit #1986, TJK Investments, request for a parking lot at 28th and Vine Streets

cc: Marc Wullschleger, Director, Urban Development
Barbara Cornelius, Co-President, Hartley Neighborhood Association

The Urban Development Department is a strong advocate for neighborhoods, particularly older neighborhoods. We are especially concerned about protecting them from encroachment by conflicting land uses, notably commercial and industrial uses. However, the need to protect neighborhoods must be balanced with providing benefits to them, including promoting developments that increase safety and security, provide services, and improve the overall living environment. In the case of TJK Investments' request for a special permit to construct a paved parking lot at 28th and Vine Streets, we believe this project will be a benefit to the neighborhood and therefore, are in support of their application.

Currently, the alley located between 27th and 28th Streets is ill-defined: there are no clear boundaries between land uses and the area generally feels unsafe. Construction of a well lit, landscaped parking lot will clean up the area, increase safety and security, and be an improvement to the overall living environment in the neighborhood. Provision of on-site parking will also benefit the neighborhood by removing parking from residential streets.

In addition to improving the neighborhood, this project is consistent with several guiding principles in the *North 27th Street Redevelopment Plan*. This Plan was developed in partnership with surrounding neighborhoods and business owners along North 27th Street. It is based on a previous study, *The North 27th Street Corridor Plan*, which was approved as an amendment to the *Comprehensive Plan*. Several of the guiding principles are applicable here. They are listed below followed by a brief explanation of how this proposed project is consistent with each guiding principle.

5) Functional Separation of Traffic Separate, to the degree possible, local and through traffic movements.

The plan encourages vehicular access to businesses from alleys or streets behind 27th Street, thus separating local from through traffic on 27th Street. Provision of the rear parking lot does this.

6) Defensible Edges Establish defensible edges between residential and non-residential uses. Use streets or green ways to provide boundaries thus realizing the benefits of mixed use while screening the negative effects of commercial growth on residential environments.

28th Street and landscaping to the south provide defensible edges.

7) Open Space and Neighborhood Commons Provide needed green space by changing land use and transportation patterns along the corridor by: ... (d) Improving street landscaping where possible along parking lots or in conjunction with new developments.

New landscaping is provided along with the new parking lot.

8) A Pedestrian Friendly Environment The entire corridor redevelopment should provide a safe and positive environment for pedestrian movement by : ... (f) Encouraging project designs which place commercial buildings rather than parking lots along the street.

Although the building is already situated on North 27th Street, parking might have been located along 27th Street, instead of behind the building as this permit is requesting.

10) Security Public security is a fundamental concern in the redevelopment area. Therefore, design features, including lighting, the creation of open spaces with a high degree of street visibility, and populated streets are important in creating an environment that attracts and protects users.

Development of the parking lot cleans up an unkempt area giving it street visibility and increased public safety.

Urban Development support of the application is based on the preceding discussion and additional considerations that will benefit the neighborhood:

- 1) The parking lot is well lit. Whether it is public lighting provided through LES, or private on-site lighting does not matter to us. The concern is that it be well lit and safe.
- 2) A high level of landscaping is provided for screening and buffering.
- 3) No vehicle access is permitted off of 28th Street.
- 4) Assurance from the property owner that trash will be regularly picked up and not blowing around the neighborhood.

Although we have reviewed the site plan, we do request Planning staff assistance in assuring that these considerations are met.

Lastly, although we believe the project will benefit the neighborhood and the North 27th Street corridor, we respect the wishes of the Hartley Neighborhood Association and the North 27th Street Business and Civic Association. Their consensus on this project should supercede Urban Development's recommendation.

Thank you for the opportunity to comment on this special permit application. Please call me at 441-8211 or e-mail me at whjermstad@ci.lincoln.ne.us if you have questions or would like to discuss this further.



Barbara Cornelius
<bac@NebrWesleyan.
edu>

To: plan@ci.lincoln.ne.us
cc: michael@dsndata.com
Subject: Special Permit 1986

09/18/2002 08:33 AM

Hello - As a representative of the Hartley Neighborhood Association, I am emailing you my concerns about Special Permit 1986, requested by the J.D. Burt with Design Associates.

While the Planning staff have given "conditional approval" to this project, as they feel that the commercial tenants will adhere to the special conditions laid out for the potential use of the lot zoned R-4, our neighborhood feels that this special permit will set a bad precedent. There are several businesses on 27th that are not sensitive at all to our neighborhood and have caused a great deal of problems for residents near their businesses (Le's Auto, for example).

Our association board is against the loss of the R-4 use of the lot, which could be developed residentially sometime in the future. If the lot is granted this special permit, there will not be a chance in the future for that residential development. We agree that the lot should be improved - but we don't agree that a commercial parking lot, which encroaches on the residential use of the neighborhood, is the way to go about it.

We appreciate that Moose's Tooth is a good neighbor and we know they are an asset to our neighborhood. However, we feel that this special permit will set a precedent that will allow businesses that are less scrupulous to apply for their own special use permits. In making the decision about the special permit, we ask that the Planning Commission consider our concerns as stated above.

Thank you for your time,
Barbara Cornelius
Co-President, Hartley Neighborhood Association